

JS 44 (Rev. 12/07) (cand rev 1-16-08)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> JON GILBERT	<b>DEFENDANTS</b> TARGET CORPORATION, and Does 1-20, inclusive
(b) County of Residence of First Listed Plaintiff SAN MATEO (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
(c) Attorney's (Firm Name, Address, and Telephone Number)  Donald L. Galine, Esq. (#083452), Law Offices of Donald L. Galine, 411 Borel Avenue, Ste. 500, San Mateo, CA 94402 (650) 345-8484 phone, (650) 345-9875 fax	Attorneys (If Known)  Gail C. Trabish, Esq. (#103482), Boornazian, Jensen & Garthe, 555 12th Street, Ste. 1800, P.O. Box 12925, Oakland, CA 94604-2925, (510) 834-4350 phone, (510) 839-1897 fax

<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)	
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4 <input type="checkbox"/> 4
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
		Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6

<b>IV. NATURE OF SUIT</b> (Place an "X" in One Box Only)				
<b>CONTRACT</b>	<b>TORTS</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury— Med. Malpractice <input type="checkbox"/> 365 Personal Injury— Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>PROPERTY RIGHTS</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>FEDERAL TAX SUITS</b>	<b>OTHER STATUTES</b>
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/ Disabilities - Employment <input type="checkbox"/> 446 Amer. w/ Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWV (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

<b>V. ORIGIN</b> (Place an "X" in One Box Only)	Transferred from	Appeal to District				
<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Judge from Magistrate Judgment

<b>VI. CAUSE OF ACTION</b>	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 USC 1441(b) and 28 USC 1332
	Brief description of cause: Premises Liability

<b>VII. REQUESTED IN COMPLAINT:</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No
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<b>VIII. RELATED CASE(S) IF ANY</b>	PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".
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<b>IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)</b> (PLACE AND "X" IN ONE BOX ONLY)	<input checked="" type="checkbox"/> SAN FRANCISCO/OAKLAND	<input type="checkbox"/> SAN JOSE
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DATE  
March 13, 2008

SIGNATURE OF ATTORNEY OF RECORD

*Gail Trabish*

GAIL C. TRABISH, ESQ. (#103482)  
BOORNAZIAN, JENSEN & GARTHE  
A Professional Corporation  
555 12<sup>th</sup> Street, Suite 1800  
P. O. Box 12925  
Oakland, CA 94604-2925  
Telephone: (510) 834-4350  
Facsimile: (510) 839-1897

Attorneys for Defendant  
TARGET STORES, a division  
of Target Corporation, erroneously  
sued herein as Target Corporation

E-filing

JL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

11 | JON GILBERT,

CV 08 ) Case No.:

1438

12 Plaintiff,

[San Mateo County Superior Court Case  
No.: CIV 469587]

14 TARGET CORPORATION, and Does 1-20,

**PETITION FOR REMOVAL OF  
ACTION PURSUANT TO 28 U.S.C.  
§1441(b) [DIVERSITY]**

15 Defendants

Complaint Filed: January 25, 2008

18 TO THE CLERK OF THE ABOVE ENTITLED COURT:

19 PLEASE TAKE NOTICE that Defendant TARGET STORES, a division of Target  
20 Corporation (hereinafter “Target”), erroneously sued herein as Target Corporation, hereby moves  
21 to this Court the state court action described below.

## I. JURISDICTION

24       1.     Defendant TARGET is informed and believes that plaintiff Jon Gilbert is a citizen  
25 of the State of California, and was at the time of the filing of the complaint and this Petition for  
26 Removal.

27       2.      Defendant TARGET is a Minnesota corporation, whose principal place of business  
28 is in Roseville, Minnesota.

1       3. TARGET is a publicly held corporation whose Chairman and Chief Executive  
2 Officer is Bob Ulrich.

3       4. Defendant TARGET is not a citizen of the state in which this action is pending.

4       5. The matter in controversy exceeds the sum of \$75,000, exclusive of interest,  
5 attorney's fees and costs.

6       6. The Court has jurisdiction by virtue of 28 U.S.C. §1332 and 28 U.S.C. §1441(b).

8                   **II. GROUNDS FOR REMOVAL**

9       7. On January 25, 2008, a civil action was commenced in the Santa Mateo County  
10 Superior Court, Unlimited Jurisdiction, of the State of California, entitled *Jon Gilbert v. Target*  
11 *Corporation, and Does 1-20, inclusive*, Action No. CIV 469587. In said complaint, plaintiff  
12 alleges damages arising out of a slip and fall incident outside the Target store in San Mateo,  
13 California. A true and correct copy of the summons and complaint is attached hereto and marked  
14 as **Exhibit A**.

16       8. Defendant TARGET was served with a copy of said Complaint on February 14,  
17 2008. A true and correct copy of the Proof of Service is attached hereto and marked as **Exhibit B**.

18       9. Defendant TARGET is concurrently filing its answer to plaintiff's complaint  
19 herewith.

20       10. This Court has original jurisdiction of this action pursuant to 28 U.S.C. §1332, and  
21 the complaint is one which may be removed to this Court by Defendant TARGET pursuant to the  
22 provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different states, and  
23 the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

24       ///

25       ///

26       ///

27       ///

28       ///

Based on the foregoing, Defendant TARGET respectfully requests that this Court accept removal of this action.

DATED: March 13, 2008

BOORNAZIAN, JENSEN & GARTHE  
A Professional Corporation

By: *Sullivan*  
GAIL C. TRABISH, ESO

GAIL C. TRABISH, ESQ.  
Attorneys for Defendant  
TARGET STORES, a division of  
Target Corporation, erroneously sued  
herein as Target Corporation

GCT01\427976

SUMMONS  
(CITACION JUDICIAL)

## NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

TARGET CORPORATION, AND DEFENDANT TO SUIT.

ENDORSED FILED  
SAN MATEO COUNTY

JAN 25 2008

## YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTA DEMANDANDO EL DEMANDANTE):

JOHN GILBERT

Clerk of the Superior Court  
By R. Montgomery  
DEPUTY CLERK

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DIAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol](http://www.courtinfo.ca.gov/selfhelp/espanol)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol](http://www.courtinfo.ca.gov/selfhelp/espanol)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

San Mateo County Superior Court

CASE NUMBER  
(Número de expediente) **CV4 69587**

400 County Center

Redwood City, CA 94063

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

DONALD L. GALTINE  
411 Borel Avenue, Suite 300  
650-345-8484Law Offices of Donald L. Galtine  
San Mateo, CA 94402DATE: **JAN 25 2008****JOHN C. FITTON**

Clerk, by

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- 1  as an individual defendant  
2  as the person sued under the fictitious name of (specify):

- 3  on behalf of (specify): *Target Corporation*

 CCP 416.10 (corporation) CCP 416.20 (defunct corporation) CCP 416.40 (association or partnership) other (specify): CCP 416.60 (minor) CCP 416.70 (conservator) CCP 416.90 (authorized person)

- 4  by personal delivery on (date)

EXHIBIT A

Law Office of Jon Gilbert  
111 South Main Street, Suite 200  
San Mateo, CA 94401  
TELEPHONE NO. - 650-694-8484 FAX NUMBER - 650-694-9875  
EMAIL ADDRESS - [jon@jongilbert.com](mailto:jon@jongilbert.com)  
ATTORNEY FOR PLAINTIFF, JOHN GILBERT  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO  
STREET ADDRESS - 111 South Main Street  
WHEELS ATTACHED  
CITY AND STATE - Belmont, CA 94002  
BRANCH NAME

**ENDORSED FILED  
SAN MATEO COUNTY**

JAN 25 2008

Clerk of the Superior Court  
By R. Montgomery  
DEPUTY CLERK

PLAINTIFF JOHN GILBERT

DEFENDANT TARGET CORPORATION, AND

DOES 1 TO 20

COMPLAINT-Personal Injury, Property Damage, Wrongful Death

AMENDED (Number):

Type (check all that apply):

MOTOR VEHICLE  OTHER (specify):  NEGLIGENCE / FAULT  
 Property Damage  Wrongful Death - GENERAL NEGLIGENCE  
 Personal Injury  Other Damages (specify):

Jurisdiction (check all that apply):

ACTION IS A LIMITED CIVIL CASE

Amount demanded  does not exceed \$10,000  
 exceeds \$10,000, but does not exceed \$25,000

ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)

ACTION IS RECLASSIFIED by this amended complaint

from limited to unlimited  
 from unlimited to limited

CASE NUMBER

**CV469587**

1. Plaintiff (name or names): JOHN GILBERT

alleges causes of action against defendant (name or names) TARGET CORPORATION, AND DOES 1 TO 20.

2. This pleading, including attachments and exhibits, consists of the following number of pages: 1

3. Each plaintiff named above is a competent adult

a.  except plaintiff (name):

- (1)  a corporation qualified to do business in California
- (2)  an unincorporated entity (describe):
- (3)  a public entity (describe):
- (4)  a minor  an adult
  - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
  - (b)  other (specify):
- (5)  other (specify):

b.  except plaintiff (name):

- (1)  a corporation qualified to do business in California
- (2)  an unincorporated entity (describe):
- (3)  a public entity (describe):
- (4)  a minor  an adult
  - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
  - (b)  other (specify):
- (5)  other (specify):

Information about additional plaintiffs who are not competent adults is shown in Attachment 3

Page 1 of 3

**SHORT TITLE****THE BEET CO. LTD.****4. Plaintiff (name)**

is doing business under the fictitious name (specify) \_\_\_\_\_

and has complied with the fictitious business name laws.

**5. Each defendant named above is a natural person****a.  except defendant (name)**

THE BEET CO. LTD.

- (1)  a business organization, form unknown
- (2)  a corporation
- (3)  an unincorporated entity (describe) \_\_\_\_\_
- (4)  a public entity (describe) \_\_\_\_\_
- (5)  other (specify) \_\_\_\_\_

**c.  except defendant (name)**

- (1)  a business organization, form unknown
- (2)  a corporation
- (3)  an unincorporated entity (describe) \_\_\_\_\_
- (4)  a public entity (describe) \_\_\_\_\_
- (5)  other (specify) \_\_\_\_\_

**b.  except defendant (name)**

- (1)  a business organization, form unknown
- (2)  a corporation
- (3)  an unincorporated entity (describe) \_\_\_\_\_
- (4)  a public entity (describe) \_\_\_\_\_
- (5)  other (specify) \_\_\_\_\_

**d.  except defendant (name)**

- (1)  a business organization, form unknown
- (2)  a corporation
- (3)  an unincorporated entity (describe) \_\_\_\_\_
- (4)  a public entity (describe) \_\_\_\_\_
- (5)  other (specify) \_\_\_\_\_

 **Information about additional defendants who are not natural persons is contained in Attachment 5****6. The true names of defendants sued as Does are unknown to plaintiff**

- a.  Doe defendants (specify Doe numbers) 1, 2, 3, 4, 5 were the agents or employees of other named defendants and acted within the scope of that agency or employment
- b.  Doe defendants (specify Doe numbers) 1, 2, 3, 4, 5 are persons whose capacities are unknown to plaintiff

**7. Defendants who are joined under Code of Civil Procedure section 382 are (names)****8. This court is the proper court because**

- a.  at least one defendant now resides in its jurisdictional area
- b.  the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area
- c.  injury to person or damage to personal property occurred in its jurisdictional area
- d.  other (specify) \_\_\_\_\_

**9.  Plaintiff is required to comply with a claims statute, and**

- a.  has complied with applicable claims statutes, or
- b.  is excused from complying because (specify) \_\_\_\_\_

COMPLAINT

Plaintiff vs. Defendant(s) Name

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached)

- a  Motor Vehicle
- b  General Negligence
- c  Intentional Tort
- d  Products Liability
- e  Premises Liability
- f  Other Liability

11. Plaintiff has suffered

- a.  wage loss
- b.  loss of use of property
- c.  hospital and medical expenses
- d.  general damage
- e.  property damage
- f.  loss of earning capacity
- g.  other damage (specify) .

12.  The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a.  listed in Attachment 12
- b.  as follows:

13. The relief sought in this complaint is within the jurisdiction of this court

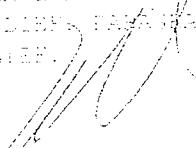
14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1)  compensatory damages
  - (2)  punitive damages
- The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*)
- (1)  according to proof
  - (2)  in the amount of \$

15.  The paragraphs of the complaint alleged on information and belief are as follows (*specify paragraph numbers*):  
 Paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 AND 14 OF THIS COMPLAINT ARE FILED ON INFORMATION AND BELIEF. EXCEPT PARAGRAPH NUMBER 14 WHICH IS FILED ON INFORMATION AND BELIEF, THE OTHER PARAGRAPHS ARE FILED ON INFORMATION AND BELIEF AS STATED IN THE PLEADING. THE PLAINTIFF IS NOT A PERSONAL WITNESS TO THE FACTS STATED IN THE PLEADING.

Date: JANUARY 10, 2008

Plaintiff's signature  
Plaintiff's name

  
(Signature of Plaintiff or Attorney)

PLAINTIFF'S ATTORNEY  
Name

Plaintiff  
 Defendant  
 Essential Forms

COMPLAINT-Personal Injury, Property  
Damage, Wrongful Death

Page 3 of 3

SHORT TITLE

GILBERT, JONATHAN D. ET AL.

## CAUSE OF ACTION - Premises Liability

Page 4

Number

ATTACHMENT TO  Complaint  Cross Complaint  
 (Use a separate cause of action form for each cause of action.)

Prem L-1 Plaintiff (name) JONATHAN GILBERT

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.  
 On (date) JULY 16, 2006 plaintiff was injured on the following premises in the following  
 fashion (description of premises and circumstances of injury)  
 PLAINTIFF, JON GILBERT, A BUSINESS OWNER TO THE TARGET STORE LOCATED AT  
 1231 BRIDGEPOINTE PARKWAY, SAN MATEO, CA 94041, SLIPPED AND FELL ON A SPOT  
 OF SLIPPERY SUBSTANCE IN THE FLOOR AREA NEAR THE CASH REGISTER EXITS. THERE WERE NO  
 WARNING SIGNS, TAPE OR OTHER FOSTER INDICATION THAT THE FLOOR WAS WET.  
 PLAINTIFF THE INCIDENT, A FEMALE TARGET EMPLOYEE INFORMED PLAINTIFF THAT SHE  
 WAS UNAWARE OF THE WET SUBSTANCE ON THE FLOOR PERTAINING TO HIS FALL BUT HAD BEEN  
 MADE AND STAND IN THE AREA. IT MADE ANY EFFORT TO CLEAN THE SUBSTANCE OFF  
 THE FLOOR PRIOR TO THE FALL.

Prem L-2.  Count One-Negligence The defendants who negligently owned, maintained, managed and operated  
 the described premises were (names)  
 TARGET CORPORATION

Does \_\_\_\_\_ to \_\_\_\_\_

Prem L-3.  Count Two-Willful Failure to Warn [Civil Code section 846] The defendant owners who willfully or  
 maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were  
 (names)

Does \_\_\_\_\_ to \_\_\_\_\_  
 Plaintiff a recreational user, was  an invited guest  a paying guest.

Prem L-4.  Count Three-Dangerous Condition of Public Property The defendants who owned public property on  
 which a dangerous condition existed were (names)

Does \_\_\_\_\_ to \_\_\_\_\_  
 a  The defendant public entity had  actual  constructive notice of the existence of the  
 dangerous condition in sufficient time prior to the injury to have corrected it.  
 b.  The condition was created by employees of the defendant public entity

Prem L-5. a.  Allegations about Other Defendants The defendants who were the agents and employees of the other  
 defendants and acted within the scope of the agency were (names)  
 DOE 1

Does \_\_\_\_\_ to \_\_\_\_\_  
 b.  The defendants who are liable to plaintiff for other reasons and the reasons for their liability are  
 described in attachment Prem L-5 b.  as follows (names)  
 DOEs 2, 3, 4, 5

CAUSE OF ACTION - Premises Liability

From California Judicial Branch  
 Form No. 100-100-0000  
 Last Revised January 1, 2007  
 Publication Date January 1, 2007

Nonresident  
 Resident

Page 1 of 1  
 Case 3:08-cv-01438-JL  
 www.courtinfo.ca.gov

SHORT TITLE

## PLAINTIFF v. TARGET CORPORATION

## CAUSE OF ACTION- General Negligence

Page 15

(number)

ATTACHMENT TO  Complaint  Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1 Plaintiff (name): JON GILBERT

alleges that defendant (name), TARGET CORPORATION

 Does I \_\_\_\_\_ to II \_\_\_\_\_.

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date) JUNE 26, 2006

at (place) TARGET STORE, 2120 BRIDGEPOINTE PARKWAY, SAN MATEO, CA 94404

(description of reasons for liability)

PLAINTIFF, JON GILBERT, A BUSINESS INVITEE TO THE TARGET STORE LOCATED AT 2120 BRIDGEPOINTE PARKWAY, SAN MATEO, CA 94404, SLIPPED AND FELL ON A WET SUBSTANCE ON THE FLOOR AREA NEAR THE CASH REGISTER EXIT. THERE WERE NO WARNING SIGNS, CONES OR OTHER POSTED INDICATION THAT THE FLOOR WAS WET. FOLLOWING THE INCIDENT, A FEMALE TARGET EMPLOYEE INFORMED PLAINTIFF THAT SHE WAS AWARE OF THE WET SUBSTANCE ON THE FLOOR PRIOR TO HIS FALL BUT HAD NOT PLACED ANY SIGNS IN THE AREA OR MADE ANY EFFORT TO CLEAN THE SUBSTANCE OFF THE FLOOR PRIOR TO THE FALL.

DEFENDANT, BY AND THROUGH THE ACTIONS OF HIS EMPLOYEES, HAD KNOWLEDGE OF THE DANGEROUS AND WET CONDITION OF THE FLOOR AREA WHERE PLAINTIFF FELL, PRIOR TO THE TIME WHEN PLAINTIFF FELL, AND FAILED TO TAKE ADEQUATE PRECAUTIONS TO WARN INVITEES, INCLUDING PLAINTIFF, OF THE DANGEROUS CONDITION OF THE FLOOR, AND FURTHER FAILED TO IMMEDIATELY CLEAN THE AREA OF THE WET AND DANGEROUS CONDITION DESPITE HAVING KNOWLEDGE OF THE CONDITION.

**CT CORPORATION**  
A W.W. Newkirk Company

**Service of Process  
Transmittal**

03/13/2008

CT Log Number 513083260



**TO:** Carter Leuty  
Target Corporation  
1600 Nicollet Mall  
Minneapolis, MN 55403

**RE:** **Process Served in California**

**FOR:** Target Corporation (Domestic State: MN)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

<b>TITLE OF ACTION:</b>	Jen Gilbert, Pltf vs. Target Corporation, et al., Dfts
<b>DOCUMENT(S) SERVED:</b>	Summons, Complaint, Notice of Case Management Conference, Statement Form, Information Sheet, Stipulation and Order Form, Attachment(s), Request for Courtcall, Telephonic Appearance Form, Statement of Damages, Cover Sheet
<b>COURT/AGENCY:</b>	San Mateo County-Redwood City, Superior Court, CA Case # CIV469587
<b>NATURE OF ACTION:</b>	Personal Injury - Slip/Trip and Fall - On June 26, 2006
<b>ON WHOM PROCESS WAS SERVED:</b>	C T Corporation System, Los Angeles, CA
<b>DATE AND HOUR OF SERVICE:</b>	By Process Server on 02/12/2008 at 15:05
<b>APPEARANCE OR ANSWER DUE:</b>	Within 30 days after service - file written response in 6/6/08 at 9:00 a.m. - Case Management Conference
<b>ATTORNEY(S) / SENDER(S):</b>	Donald L. Galine Law Offices of Donald L. Galine 411 Borel Avenue Suite 500 San Mateo, CA 94402 650-345-8484
<b>ACTION ITEMS:</b>	SOP Papers with Transmittal, via Fed Ex Standard Overnight - 790635529400
<b>SIGNED:</b>	C T Corporation System
<b>PER:</b>	Nancy Flores
<b>ADDRESS:</b>	818 West Seventh Street Los Angeles, CA 90017
<b>TELEPHONE:</b>	213-337-4615

2/14/08 12:30  
FEDEX  
2/14/08 12:30  
SIX, INC. D. Royal

Page 1 of 1 /VI

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

**EXHIBIT B**

03/04/2008

**CERTIFICATE OF SERVICE**  
**(28 U.S.C. §1746)**

I am employed in the County of Alameda, State of California. I am over the age of 18 years and not a party to the within action. My business address is 555 12th Street, Suite 1800, P. O. Box 12925, Oakland, California 94604-2925.

I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. On the date indicated below, at the above-referenced business location, I sealed envelopes, enclosing a copy of the **PETITION FOR REMOVAL OF ACTION PURSUANT TO 28 U.S.C. §1441(b) [DIVERSITY]; CIVIL CASE COVER SHEET**, addressed as shown below, and placed them for collection and mailing following ordinary business practices to be deposited with the United States Postal Service on the date indicated below:

Donald L. Galine, Esq.  
Law Offices of Donald L. Galine  
411 Borel Avenue, Ste. 500  
San Mateo, CA 94402  
(650) 345-8484 Phone  
(650) 345-9875 Fax

**Attorneys for Plaintiff**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Oakland, California, on March 13, 2008.

  
Alexine L. Braun

GCT01\427976